

REMARKS

This application has been carefully reviewed in light of the Office Action dated November 30, 2005. Claims 1 to 17, 19 and 20 are in the application, with Claim 18 having been cancelled. Claims 1, 16, and 17 are independent. Reconsideration and further examination are respectfully requested.

Claims 1 to 8 and 11 to 20 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,613,057 (Caravel) in view of U.S. Patent Publication No. 2003/0151621 (McEvilly), and Claims 9 and 10 were rejected under 35 U.S.C. § 103(a) over Caravel and McEvilly, and further in view of U.S. Patent No. 5,805,118 (Mishra). Reconsideration and withdrawal of the rejections are respectfully requested.

The present invention relates to displaying a plurality of images in one of an image layout format of a plurality of types. In one aspect of the invention, a frequency of use for each image layout format is stored, and an image layout format is set based upon the frequencies of use. In this way, the plurality of images can be displayed at corresponding positions within the layout defined by each type of the image.

With specific reference to the claims, independent Claim 1 defines an image display method for displaying a plurality of images in one of image layout formats of a plurality of types. The method comprises a frequency storage step of storing frequency of use for each of the image layout formats, wherein the each of the image layout formats includes a plurality of image display positions, and each of the image layout formats depends on the type of image displayed at each position of the plurality of image display positions. The method also comprises a setting step of setting one of the image layout formats based upon the frequencies of use that have been stored. The method also

comprises a display step of displaying each image at corresponding positions, which are defined by each type of the images, of the plurality of image display positions of the image layout format set in the setting step on a display.

Independent Claim 17 is directed to a computer-executable program that corresponds generally to the method of independent Claim 1. Independent Claim 16 is directed to an apparatus that includes, *inter alia*, a feature of a layout setting unit that sets an image format based upon the frequencies of use, wherein each of the image layout formats depends on the type of image displayed at each position of the plurality of image display positions.

The applied references are not seen to disclose or to suggest the features of independent Claims 1, 16 and 17, and in particular, are not seen to disclose or to suggest at least the feature of setting image layout formats based upon frequencies of use, wherein each of the image layout formats depends on the type of image displayed at each position of a plurality of image display positions.

The Office Action concedes that Caravel does not disclose that a layout format is based on frequency of use. However, the Office Action contends that McEvilly discloses "displaying screen layout in which the layout of the screens are based on . . . usage information ([0276]) where the usage information is considered frequency of use." (Office Action page 3).

On the contrary, while McEvilly arguably discloses format and layout based on certain data, McEvilly is not seen to disclose or to suggest setting an image layout format based upon frequencies of use. Specifically, regarding "format and layout," McEvilly discloses that "formatting information is provided . . . by style sheets."

(McEvilly paragraph 0083). McEvilly further discloses that the style sheets are determined by user information in user data cache 310: "response controller 501 then retrieves user information from the user data cache 310 which identifies the type of set top box 7 the user has and other user settings, and uses this information to determine the exact style sheet from the identified class of style sheet to be used in transforming the received XML file into the HTML file describing the menu page." (McEvilly paragraph 0144 (emphasis added)).

However, the user information in user data cache 310 is not seen to disclose or to suggest anything regarding a frequency of use. Rather, McEvilly discloses "user data cache 310 stores all of the user information (including) the user name, user age, user login name, user PIN (personal identification number), user set top box type, session ID, user login status bit, user subscription level, user family name, user set top box ID, current television channel or video programme being viewed, user E-mail address, user language, user background colour and other user preferences." (McEvilly paragraph 0088). As such, McEvilly is not seen to disclose or to suggest setting image layout formats based upon frequencies of use, much less disclose or suggest setting image layout formats based upon frequencies of use, wherein each of the image layout formats depends on the type of image displayed at each position of a plurality of image display positions. Accordingly, independent Claims 1, 16 and 17 are believed to be allowable.

Mishra is not seen to add anything to overcome the foregoing deficiencies of Caravel and McEvilly, and is not seen to disclose anything that, when combine with Caravel and/or McEvilly, would have resulted in the feature of setting image layout

formats based upon frequencies of use, wherein each of the image layout formats depends on the type of image displayed at each position of a plurality of image display positions.

The other claims in the application are each dependent from the independent claims and are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Edward A. Kmett  
Attorney for Applicant  
Registration No.: 42,746

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200

CA\_MAIN 109800v1